

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DEION L. SWEETING,

Plaintiff,
vs.

Civil Action 2:13-cv-941
Judge Graham
Magistrate Judge King

NOBLE CORRECTIONAL INSTITUTION,
et al.,

Defendants.

REPORT AND RECOMMENDATION

On July 16, 2015, the Court ordered plaintiff to indicate, no later than July 29, 2015, whether he intends to pursue this action and, if so, whether he intends to renew his motion to file an amended complaint. *Order*, ECF 38. The Court directed the Clerk to send a copy of that *Order* to plaintiff at the address reflected on this Court's docket (Noble Correctional Institution) and at the address reflected on the docket of the Court of Appeals. *Id.* (listing plaintiff's address in Cincinnati, Ohio). While the letter addressed to plaintiff at Noble Correctional Institution was returned to the Court on July 29, 2015 with the notation "Released 5-16-14[,]" ECF 39, p. 1, the letter addressed to plaintiff at the other address has not been returned. Nevertheless, plaintiff, who has been released from incarceration, has not responded to this Court's *Order*, ECF 38.

Under these circumstances, it appears that plaintiff has abandoned the prosecution of this case. It is therefore **RECOMMENDED**

that this action be dismissed for failure to prosecute.

The Clerk shall send a copy of this *Report and Recommendation* to plaintiff at the address reflected on this Court's docket and at the address reflected on the docket of the Court of Appeals:

Deion L. Sweeting
2343 May Street
Cincinnati, OH 45206

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

July 30, 2015

s/Norah McCann King
Norah McCann King
United States Magistrate Judge